

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

BRUCE KECK,)	
)	CASE NO. 4:13-CV-185
Plaintiff,)	
)	
v.)	JUDGE BENITA Y. PEARSON
)	
NEW DAY ENTERPRISES, INC., <i>et al.</i> ,)	
)	
Defendants.)	
)	<u>ENTRY OF DEFAULT</u>

Plaintiff seeks entry of default against Defendants New Day Enterprises, Inc. and Outland Sports, Inc., and offers the following in support of his request.

In support thereof, Plaintiff states:

1. The Amended Complaint in this action was filed on May 20, 2013.
2. On June 4, 2013, the Clerk's Office, obo counsel for Plaintiff, filed a Return of Service executed upon Defendant New Day Enterprises, Inc. *via* certified mail by the Clerk on 5/28/2013; and a Return of Service executed upon Defendant Outland Sports, Inc. *via* certified mail by the Clerk on date unknown.
3. Pursuant to the provisions of Fed. R. Civ. P. 12, Defendants New Day Enterprises, Inc. and Outland Sports, Inc. were required to serve an answer or otherwise respond to the Amended Complaint within twenty-one (21) days after service of the Amended Complaint.
4. To date, Defendants New Day Enterprises, Inc. and Outland Sports, Inc. have not filed an Answer or any other pleadings in response to Plaintiff's Amended Complaint.
5. Fed. R. Civ 55(a) provides that "[when a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided for by [the Federal Rules of Civil Procedure] and that fact is made to appear by affidavit or otherwise, the Clerk shall enter the party's default." Because Defendants New Day Enterprises, Inc. and

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Outland Sports, Inc. have failed to plead or otherwise defend in this action, the Clerk of this Court shall enter a default against them.

For the reasons offered by Plaintiff and in accordance with Fed. R. Civ. P. 55(a), the Clerk hereby enters Defendants New Day Enterprises, Inc. and Outland Sports, Inc. 's default on this 24th day of July, 2013.

Geri M. Smith, Clerk of Court

July 24, 2013
Date

By: /s/ Judy L. Guyer
Judy L. Guyer,
Deputy Clerk

CERTIFICATE OF SERVICE

A copy of the foregoing Entry of Default was filed electronically this 24th day of July, 2013. A copy of the within Entry of Default has been sent by regular mail to Defendant New Day Enterprises, Inc., P.O. Box 352, Windom, MN 56101; and Defendant Outland Sports, Inc., c/o CT Corporation System, 5615 Corporate Blvd., Ste. 400B, Baton Rouge, LA 70808.

Geri M. Smith, Clerk of Court

July 24, 2013
Date

By: /s/ Judy L. Guyer
Judy L. Guyer,
Deputy Clerk